



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after **March 14, 2006**, at approximately **9:30 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **March 12, 2006**.

#### BACKGROUND/OVERVIEW

Currently, contributions or independent expenditures are aggregated, and treated as if made from one source, when the payment made from each source is directed and controlled by the same individual or a majority of the same persons. (Sections 84211 and 85311.) This rule, which dates back to two 1976 Commission opinions – *In re Lumsdon* (1976) 2 FPPC Ops. 140 and *In re Kahn* (1976) 2 FPPC Ops. 151, has been in effect for most of the history of the Political Reform Act, (the “Act”).<sup>1</sup> While the current language of section 85311, adopted with the passage of Proposition 34 in 2000, originated from the Commission’s previous aggregation of contributions regulation (18215.1), it applies the Commission’s long standing aggregation principles for the purposes of determining state campaign contribution limits only. Previous regulation 18215.1, which applied the Commission’s principles of aggregation of contributions to all provisions of the Act, was repealed in the wake of the passage of Proposition 208 in 1996 and has not been readopted since the repeal of Proposition 208. This currently leaves the Commission without a regulation that defines aggregation of contributions for purposes other than the contribution limits imposed by Proposition 34.

<sup>1</sup> Government Code sections 81000–91014. Commission regulations appear at Title 2, sections 18109–18997, of the California Code of Regulations. All statutory references are to the Government Code unless otherwise indicated.

Proposed new regulation 18215.1 would bring back the previous regulation with minor conforming changes, making the new regulation identical to the language used in the statute, so that the aggregation provisions are consistent for all purposes identified in the Act. Likewise, the proposed amendments to regulation 18225.4, which was first adopted as the sister regulation to the original regulation 18215.1, and addresses the Commission’s policy with regard to aggregation of independent expenditures, would conform the language of this regulation to the aggregation provisions of regulation 18215.1 and section 85311, so that all are identical.

Finally, proposed amendments to regulation 18428 are intended to clarify the reporting requirements for committees that make or receive aggregated contributions or independent expenditures. The proposed amendments would: (1) clarify the information required to be reported under the “filer name” on major donor and independent expenditure committee campaign reports (Form 461); (2) indicate whether or not a recipient committee must include the name of the Form 461 filer on its campaign report (Form 460) when it receives a contribution from a contributor that is aggregated with a contribution received from the Form 461 filer; and (3) provide that a recipient committee must also indicate aggregated contributions made on its campaign report (Form 460). Various decision points shown in the bracketed language provide options for the Commission to consider.

#### REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18215.1: The Commission may consider whether regulation 18215.1 should be adopted to identify Commission policy with respect to aggregation of contributions.

The proposed regulatory language, which may be examined by the Commission, is limited to aggregation of contributions for purposes other than the requirements imposed by section 85311.

Amend 2 Cal. Code Regs. § 18225.4: The Commission may consider whether regulation 18225.4 should be amended to conform its language with the language of section 85311 providing for aggregation of campaign contributions in state elections, and to the language of proposed regulation 18215.1, providing for aggregation of contributions for other thresholds identified in the Act.

Amend 2 Cal. Code Regs. § 18428: The Commission may consider whether regulation 18428 should be amended to clarify its language with respect to the reporting requirements for committees that are required to aggregate contributions or independent expenditures, including identification of the “filer name” on the

committee's major donor or independent expenditure reports (Form 461). The proposed regulation also adds additional identification requirements to campaign reports filed by recipient committees in order to link certain contributions received by major donor and independent expenditures committees to the information provided on those committee campaign reports. Finally, the regulation proposes language providing identification of aggregated contributions made by a recipient committee to other recipient committees.

#### SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding aggregation of contributions and independent expenditures and how those payments are to be reported.

#### FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

**AUTHORITY:** Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

**REFERENCE:** The purpose of these regulations is to implement, interpret, and make specific the procedures for aggregating contributions and independent expenditures for purposes of determining whenever a threshold identified in Chapters 4 or 5 of the Political Reform Act has been met and provide the reporting requirements for committees that are required to aggregate contributions or independent expenditures.

**CONTACT:** Any inquiries should be made to William J. Lenkeit, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## TITLE 10. DEPARTMENT OF INSURANCE

45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, California 94105

### NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

Adopt Title 10, California Code of Regulations, Chapter 5, Subchapter 4.75, Article 1, Section 2636 to read as follows:

#### SUBCHAPTER 4.75. Homeowners Insurance Rates and Underwriting.

##### Article 1. Experience Rating in Residential Property Lines of Insurance

**CDI File No. RH06050472**

**January 31, 2006**

#### SUBJECT OF HEARING

Notice is hereby given that the California Insurance Commissioner (Commissioner) proposes to adopt the regulation described below after considering comments from the public. The Commissioner proposes to adopt Title 10, California Code of Regulations, Chapter 5, Subchapter 4.75, Article 1, Section 2636 to read as follows: **SUBCHAPTER 4.75. Homeowners Insurance Rates and Underwriting. Article 1. Experience Rating in Residential Property Lines of Insurance**

The proposed regulation will implement guidelines relating to the rates charged for policies of residential property insurance and will establish certain acknowledgements to be made pursuant to the sale or renewal of a policy of residential property insurance.

#### AUTHORITY AND REFERENCE

Per Gov. Code § 11349(b) "Authority" means the provision of law which permits or obligates the agency to adopt a regulation.

The authority for the proposed regulation as it relates directly to rates is Cal. Ins. Code section 1861.05; *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216, 245, Cal. Rptr. 2d 807; *Calfarm Ins. Co. v. Deukmejian* (1989) 48 Cal. 3d 805, 258 Cal. Rptr. 161.

The authority for the regulation as it relates to disclosure is Authority: Cal. Ins. Code sections 790; 790.03(a); 790.03(b); 790.10; *Spray, Gould & Bowers v. Associated Internat. Ins. Co.*, (1999) 71 Cal. App. 4th 1260, 84 Cal. Rptr. 2d 552. Cal. Ins. Code §790.10 provides specific authority for the Commissioner to promulgate regulations requiring specific disclosures

when the Commissioner determines “conditions warrant” the promulgation of such regulations. The Commissioner has determined that at the present time conditions warrant the promulgation of the proposed regulation as it relates to specific disclosures.

“Reference” means the statute, court decision, or other provision of law which the agency implements, interprets, or makes specific when adopting a regulation.

The following statutes and court decision are referenced as being implemented, interpreted, and made specific by the proposed regulation is Cal. Ins. Code section 1861.05; *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216, 245, Cal. Rptr. 2d 807; *Calfarm Ins. Co. v. Deukmejian* (1989) 48 Cal. 3d 805, 258 Cal. Rptr. 161.

The reference for the definition of the term “underwriting” is *Smith v. State Farm Mutual Automobile Ins. Co.* (2001) 93 Cal.App.4th 700, 113 Cal. Rptr. 2d 399.

The reference for that portion of the regulations that focuses on disclosure is Cal. Ins. Code sections 790; 790.03(a); 790.03(b); 790.10; *Spray, Gould & Bowers v. Associated Internat. Ins. Co.*, (1999) 71 Cal. App. 4th 1260, 84 Cal. Rptr. 2d 552

#### HEARING DATES AND LOCATIONS

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation on the following dates at the following locations.

**March 28, 2006**  
**10:00 a.m.**  
**45 Fremont Street**  
**22nd Floor Hearing Room**  
**San Francisco, CA 94105**

#### PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS: CONTACT PERSONS

All persons are invited to present oral and/or written comments at the scheduled hearing. Written comments not presented at the hearing must be addressed to the following contact person:

Donald P. Hilla, Senior Staff Counsel  
 California Department of Insurance  
 45 Fremont Street, 21<sup>st</sup> Floor  
 San Francisco, CA 94105  
 Telephone: (415) 538-4108  
[hillad@insurance.ca.gov](mailto:hillad@insurance.ca.gov)

Questions regarding the hearing, comments or the substance of the proposed action should be addressed to

the above contact person. If the contact person is unavailable, inquiries may be sent to the backup contact person:

Lara Sweat, Staff Counsel  
 California Department of Insurance  
 45 Fremont Street, 21<sup>st</sup> Floor  
 San Francisco, CA 94105  
 Telephone: (415) 538-4192  
[sweatl@insurance.ca.gov](mailto:sweatl@insurance.ca.gov)

#### DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Commissioner, care of the contact person at the address listed above, by no later than **5:00 p.m. on March 28, 2006**. Any materials received after that time will not be considered.

#### COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept and strongly encourages written comments transmitted by e-mail, provided they are sent to the following e-mail address: [hillad@insurance.ca.gov](mailto:hillad@insurance.ca.gov). The Commissioner also requests a hard copy of the comments electronically submitted. Please place the following in the subject heading of the e-mail: **CDI File No. RH06050472**. Microsoft Word and “PDF” documents may be attached to e-mails. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of **Donald Hilla** using the following fax number: **(415) 904-5490**. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.

#### ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person for this hearing in order to make special arrangements, if necessary.

#### ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of subchapter 4.5, title 10 of the California Code of Regulations, in connection with



their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

## INFORMATIVE DIGEST

### Summary of Existing Law

California Insurance Code §1861.05 requires the prior approval of the Insurance Commissioner of rates subject to the provisions of the McBride–Grunsky Act. Homeowners or residential property insurance is one such line. *Calfarm Ins. Co. v. Deukmejian*, *supra*, 48 Cal. 3d 805; *20th Century Ins. Co. v. Garamendi*, *supra*, 8 Cal. 4th 216 and *State Farm Mutual Automobile Ins. Co. v. Garamendi*, *supra*, 32 Cal. 4th at pp. 1041–1042 are cases dealing with the scope of the Commissioner’s authority to promulgate regulations pursuant to California Insurance Code §1861.05. Each of these cases helped define, in one way or another, the Commissioner’s broad authority to promulgate regulations pertaining to rates. In *State Farm Mutual Automobile Insurance Company v. Garamendi*, *supra* 32 Cal. 4th 1029 the California Supreme Court made clear that the Commissioner’s authority under Proposition 103 is extremely broad. The court noted that the stated purpose of Proposition 103 is “to protect consumers from arbitrary insurance rates and practices, to encourage a competitive insurance marketplace, to provide for an accountable Insurance Commissioner, and to ensure that insurance is fair, available, and affordable for all Californians.” (Historical and Statutory Notes, 42A West’s Ann. Ins. Code (1993 ed.) foll. § 1861.01, p. 649.)” The Supreme Court also made it clear that Proposition 103 is “not only about rates and rate regulation; it also concerns other factors that may impermissibly affect the availability of insurance.”

California Insurance Code Article 6.5 is entitled “Unfair Practices.” California Insurance Code § 790 *et seq.* is known as the Unfair Insurance Practices Act. The stated purpose of California Insurance Code §§ 790 *et seq.* is “to regulate trade practices in the business of insurance . . . by defining, or providing for the determina-

tion of all such practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.” California Insurance Code § 790.10 provides the Commissioner with the specific authority to promulgate regulations. California courts have recognized the Commissioner’s authority to promulgate regulations which require making certain disclosures relating to insurance products. See *Spray, Gould & Bowers v. Associated Internat. Ins. Co.*, *supra*, 71 Cal. App. 4th 1260. See also *20th Century Ins. Co. v. Garamendi*, *supra*, 8 Cal. 4th 216; *Calfarm Ins. Co. v. Deukmejian*, *supra*, 48 Cal. 3d 805; *Smith v. State Farm Mutual Automobile Ins. Co.*, *supra*, 93 Cal.App.4th 700, *State Farm Mutual Insurance Company v. Harry Low*, (2001) 92 Cal. App. 4th 1169; 112 Cal. Rptr. 2d 574, and *State Farm Mutual Automobile Insurance Company v. Garamendi*, *supra*, 32 Cal. 4th 1029.

In California “an underwriting rule is properly characterized as a rule followed or adopted by an insurer or a rating organization which either (1) *limits* the conditions under which a policy will be issued or (2) *impacts* the rates that will be charged for that policy.” *Smith v. State Farm Mutual Automobile Ins. Co.* (2001) 93 Cal.App.4th 700, 113 Cal. Rptr. 2d 399.

## POLICY STATEMENT OVERVIEW

The Commissioner has determined that serious problems exist in the California residential property insurance market relating to the availability and affordability of homeowners insurance. Affordability and availability are periodically impacted by economic cycles. Availability is invariably impacted in the wake of natural disasters to which California is especially vulnerable.

Over the last three years the residential property insurance market has experienced severe fluctuations in the availability and affordability of homeowners insurance. As to affordability a substantial number of insurers have in recent years begun to apply premium surcharges when policyholders file claims. The Commissioner has determined that those surcharges must be based on actuarially sound data. As outlined above, the Commissioner’s authority to regulate rates is clear and broad.

As a corollary the Commissioner has determined that many California policyholders are not aware of the economic consequences such as the increase in premium attendant to making a claim. The Commissioner has also found that many California policyholders are not aware that should they make a claim their insurer is likely to non-renew their insurance policy. The Commissioner has determined that this is fundamentally unfair and that policyholders should be informed of the conse-

quences of making a claim, both at the point of sale and on an annual basis. The Commissioner's authority in the realm of unfair insurance practices is also clear and broad. The Unfair Insurance Practices act provides express authority for the Commissioner to promulgate regulations to define and make specific the details of those acts or practices that are identified and prohibited by the Unfair Insurance Practices Act.

Per Proposition 103 it is the duty of the Insurance Commissioner to ensure that insurance is fair, available, and affordable for all Californians. The Commissioner has an affirmative duty to monitor the insurance markets and to intercede when problems arise. Considerations of fairness and availability come into play when uninformed insureds make claims against their policies and suffer retribution for doing so. The proposed regulations are intended to address this inherent unfairness.

The stated purpose of the Unfair Practices Act is to "regulate trade practices in the business of insurance . . . by defining, or providing for the determination of, all such practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined." The Commissioner has determined, that per statute, it is a misrepresentation by omission and deceptive and misleading act to market insurance products and collect premium thereon without informing insurance consumers about the most basic and fundamental aspects of the policy, including what penalties will be suffered by the insured should they make a claim against their policy.

In the past, on numerous occasions Californians have found it difficult, if not impossible, to purchase residential property insurance in the standard market. The Commissioner wishes to explore taming these volatile market fluctuations in affordability and availability. These regulations are designed to address some of the problems associated with this troubled insurance market and to provide for a more robust and vigorous insurance marketplace by increasing competition.

#### **Effect of Proposed Action**

As outlined in detail above the proposed regulation will implement, interpret and make specific the California Insurance Code sections relating to the calculation of rates and premiums charged for policies of homeowners insurance. The proposed regulation will allow insurance consumers to be better informed about the products they are purchasing and similarly allow insurance consumers to make more informed choices as they shop for insurance. Finally, the regulation will facilitate the Commissioner in preventing the application of excessive, inadequate or unfairly discriminatory rates.

#### **MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630**

This proposed regulation does not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

#### **COST OR SAVINGS TO ANY STATE AGENCY**

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

#### **ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH OTHER STATES**

The Department has made an initial determination that in terms of the rates and premium charged for homeowners insurance in California adoption of the proposed regulation may have some statewide adverse economic impact directly affecting business, specifically California insurers' ability to compete with businesses in other states. However, as Proposition 103 requires the Commissioner to ensure that no rate is in effect which is excessive, inadequate or unfairly discriminatory, he is duty bound to act where rates charged do not meet the stricture of Proposition 103.

The types of businesses that may be affected are insurers and insurance underwriters. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

The types of businesses affected by the proposed regulations are insurers that transact residential property insurance in the State of California.

#### POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### EFFECT ON JOBS IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

#### IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

#### CONSIDERATION OF ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The Commissioner, however, invites public comment on alternatives to the regulation.

As to the portion of the proposed regulation relating to surcharges no viable alternative was presented to the Commissioner prior to the drafting of this regulation. The Commissioner has not determined other alternatives may be available to address the issues that are the focus of the surcharge portion of the proposed regulation.

As to the disclosure portion of the regulation no viable alternative was presented to the Commissioner prior to the drafting of this regulation. The Commissioner has not determined other alternatives may be available to address the issues that are the focus of the disclosure portion of the proposed regulation.

Performance standards were not considered in relation to the rate portion of this regulation because rates are required to be approved prior to use and the application of a set of standards after the fact would not further the purposes of Proposition 103.

Performance standards were considered in relation to the disclosure portion of the proposed regulation with the objective identified was fairness in the sale of residential property insurance. However, no specific performance standard was proposed that would be more efficient than the disclosure provisions contained in the proposed regulation. The Commissioner has not determined that performance standards might not represent a viable alternative to the disclosure requirements.

The Commissioner continues to study alternatives.

#### IMPACT ON SMALL BUSINESS

The matters proposed herein will only affect insurance companies, and therefore will not affect small business. (Gov. Code Section 11342.610, subd. (b), para. (2).)

#### COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulation.

#### TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or questions regarding this proceeding should be directed to the contact persons listed above.

#### FINAL STATEMENT OF REASONS

Upon **written or e-mail** request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.



## AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Commissioner's mailing list.

## WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Near the bottom of the page, under "Select a Topic" click on "Consumers". Scroll down to the heading "Regulatory Activity." In this section, scroll down until you see the subheading "Proposed Regulations — Search." Click on the "Proposed Regulations—Search" link. When the "Search" screen appears, you may choose to find the documents by either conducting a search or by browsing for them by name.

To search, enter the Department's regulation file number for these regulations in the "Search for" field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "1861.05"), or search by key word ("residential" for example). Then, click on the "submit" button to display links to the various filing documents."

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Losses and Loss Exposure" link, and click it. Links to the documents associated with these regulations will then be displayed.

## AVAILABILITY OF MODIFIED TEXT OF REGULATION

If the regulations adopted by the Department differ from but are sufficiently related to the original text, the Department will make the modified text available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

## TITLE 13. DEPARTMENT OF MOTOR VEHICLES

### NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Section 425.01, regarding the Ad-

ministrative Fee for Vehicle Code Book, in Article 6 (Administration), Chapter 1, Division 1, of Title 13, California Code of Regulations.

## PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

## DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on **March 27, 2006**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

## AUTHORITY AND REFERENCE

The department proposes to amend the proposed action under the authority granted by Vehicle Code section 1651 in order to implement, interpret or make specific Vehicle Code section 1656(a).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 1656 requires the department to publish the California Vehicle Code once every two years and distribute the Vehicle Code at a charge sufficient to pay the entire cost of publishing and distributing the code.

The department is proposing an administrative fee increase to \$7.00 per copy of the Vehicle Code plus the actual cost of shipping the Code books to the requester.

## FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: State agencies will be required to pay the administrative fee of \$7 per copy of the Vehicle Code book plus shipping costs, if applicable.
- Other Non-Discretionary Cost or Savings to Local Agencies: Local and federal agencies will be required to pay the administrative fee of \$7 per copy of the Vehicle Code book plus shipping costs, if applicable.

- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: There will be an increased cost to obtain a paper copy of the Vehicle Code book.
- Effect on Housing Costs: None.

#### DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect that would have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Although there is an increased fee to receive a hard copy of the Vehicle Code book, the Code is available on the department's website.
- The amendment of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses since there is no mandate to purchase a Vehicle Code book and the Vehicle Code is available on the Internet.

#### ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8898, or

[rcalkins@dmv.ca.gov](mailto:rcalkins@dmv.ca.gov). In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or [dbaity@dmv.ca.gov](mailto:dbaity@dmv.ca.gov). The fax number for the Regulations Branch is (916) 657-1204.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the initial and final statement of reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov](http://www.dmv.ca.gov), Other Services, Legal Affairs Division, Regulatory Actions Web Page.

#### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

### TITLE 16. BOARD OF BEHAVIORAL SCIENCES

#### DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments must be received by the Board at its office including those

sent by mail, facsimile, or email to the addresses listed under Contact Person in this notice not later than 5:00 p.m. on March 27, 2006. Any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 4980.60 and 4990.14, Business and Professions Code, and to implement, interpret, or make specific Sections 820, 4980.07, 4990.8 and 4990.13 of the Business and Professions Code and Sections 11500–11528 of the Government Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to adopt amendments to Section 1803 in Title 16 of the California Code of Regulations (CCR). This section pertains to the delegation of certain enforcement-related functions to the Board's executive officer.

Business and Professions (B&P) Code Section 820 permits the Board to order a licentiate who is unable to practice his or her profession safely due to mental illness to be evaluated by one or more psychiatrists or psychologists. B&P Code Section 4990.8 permits the Board's executive officer to exercise powers and perform duties as delegated by the Board.

Title 16, CCR Section 1803 currently permits the Board's executive officer to file accusations, issue notices of hearing, issue statements of issues, receive and file notices of defense, issue subpoenas and subpoenas duces tecum, and set and calendar cases for hearing for Marriage and Family Therapists (MFT), Licensed Clinical Social Workers (LCSW), Licensed Educational Psychologists (LEP), MFT Interns, or Associate Clinical Social Workers.

The proposal would amend Section 1803 to allow the executive officer to additionally sign orders to compel a psychiatric evaluation.

#### FISCAL IMPACT ESTIMATES

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None.

**Nondiscretionary Costs/Savings to Local Agencies:** None

**Local Mandate:** None

**Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:** None

**Business Impact:** The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### AND

The following studies/relevant data were relied upon in making the above determination: None.

**Impact on Jobs/New Businesses:** The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**Cost Impacts on Representative Private Persons or Businesses:** The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Housing Costs:** None

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal only makes a technical change in how psychiatric evaluations are ordered.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less

burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations to the address listed under Contact Person.

**CONTACT PERSON**

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Christy Berger  
Address: 1625 North Market Blvd, Suite S200  
Sacramento CA 95834  
Telephone: 916-574-7847  
Fax: 916-574-8625  
Email: christy\_berger@dca.ca.gov

**OR**

Name: Mona Maggio  
Address: 1625 North Market Blvd, Suite S200  
Sacramento CA 95834  
Telephone: 916-574-7830  
Fax: 916-574-8625  
Email: mona\_maggio@bbs.ca.gov

**AVAILABILITY OF INITIAL STATEMENT  
OF REASONS AND INFORMATION**

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL AND AVAILABILITY  
OF MODIFIED TEXT**

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed above.

If the regulations adopted by the Board differ from and are substantially related to the action proposed, the text of the proposed regulations with changes clearly indicated will be made available to the public for 15 days prior to the date of adoption.

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection from the Contact Person listed above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named above or by accessing the website listed below.

**WEBSITE ACCESS**

Materials regarding this proposal can be found at [www.bbs.ca.gov](http://www.bbs.ca.gov).

**TITLE 16. COURT REPORTERS  
BOARD OF CALIFORNIA**

**NOTICE OF PROPOSED CHANGES  
IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the Court Reporters Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held in the 3rd Floor Conference Room at 2535 Capitol Oaks Drive, Sacramento, California 95833, at 10:00 a.m. on March 28, 2006. Written comments must be received by the Board at its office (for the Board's address, see Contact Person section on page 3) not later than March 27, 2006 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference Citations**

Pursuant to the authority vested by Sections 8007 and 8025 of the Business and Professions Code, and to implement, interpret, or make specific Sections 8025, 8025.1, 8030, 8030.2, 8030.4, 8030.6, and 8030.8 of said Code, the Court Reporters Board of California is considering changes to Division 24 of Title 16 of the California Code of Regulations as follows:



INFORMATIVE DIGEST/PLAIN ENGLISH  
POLICY STATEMENT OVERVIEW

**Adopt Section 2475 — Professional Standards of Practice.**

Section 8007 of the Business and Professions Code authorizes the Board to adopt, amend, or repeal rules and regulations which are reasonably necessary to carry out the provisions of the chapter. Sections 8025 and 8025.1 allow the Board to suspend, revoke, or deny certification on various grounds as stated in the provisions, including violations of professional standards of practice. Section 8030 et seq. of the Code relates to the Transcript Reimbursement Fund for court reporters (also referred to as “certified shorthand reporters”).

There are no existing regulations that specify professional standards of practice relating to the duties of a certified shorthand reporter.

This proposal would adopt the regulations in order to:

- Give notice to licensees of the professional standards of practice, stating that violations of the professional standards of practice may result in the suspension, revocation, or denial of certification
- Identify specific professional standards of practice relating to the duties of a certified shorthand reporter, as listed below.
  - Require truthful advertising, prohibiting licensees from representing themselves as having qualifications or expertise that they do not possess.
  - Require licensees to maintain confidentiality of oral and written information, based upon the proceeding being reported.
  - Require a licensee to perform services within the scope of his or her competence, and allows when there is a lack of such competence for the continuation of reporting after proper notification and when stipulated by all parties or ordered by the presiding officer.
  - Require a licensee to deliver a transcript consistent with dates agreed to, and to notify the parties of delays.
  - Require a licensee to notify parties to a proceeding when there has been a request for preparation of a transcript by another party.
  - Require a licensee to generally treat parties equally.
  - Prohibit a licensee from being compensated in a way that compromises his or her impartiality, such as having an interest in the outcome of the litigation.

- Prohibit licensees from giving or receiving substantial gifts and/or services to or from likely clients.

**Local Mandate**

The proposed regulatory action does not impose a mandate on local agencies or school districts.

**Fiscal Impact on Public Agencies/STD 399**

The proposed regulatory action will not result in costs or savings to any state agency, costs or savings to any local agency or school district that is required to be reimbursed under Part 7 of Division 4 (commencing with Section 17500 of the Government Code), other non-discretionary costs or savings on local agencies, or costs or savings in federal funding to the state.

**Cost Impact on Affected Private Persons**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Housing Costs**

The proposed regulatory action will not have a significant effect on housing costs.

**Effect on Small Business**

The proposed regulatory action will not affect small businesses, because it affects all licensees equally who must comply with the professional standards of practice.

**Contact Person**

Inquiries or comments concerning the proposed administrative action may be addressed to:

Court Reporters Board of California  
2535 Capitol Oaks Drive, Suite 230  
Sacramento, CA 95833  
Attn: Julia Miranda–Bursell  
(916) 263–3660  
(916) 263–3664 (FAX)  
Julia\_Miranda–Bursell@dca.ca.gov

The backup contact person is:

David Brown  
(916) 263–3660  
(916) 263–3664 (FAX)  
David\_Brown@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Julia Miranda–Bursell at (916) 263–3660.

**Comment Period**

Written comments must be received by the Board at the Court Reporters Board of California, 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833 not later than March 27, 2006 at 5:00 p.m. or at the hearing to be held in the 3<sup>rd</sup> Floor Conference Room at 2535 Capitol

Oaks Drive, Sacramento, CA 95833 at 10:00 a.m. on March 28, 2006.

**Availability of Modifications**

With the exception of technical or grammatical changes, the full text of any modified proposal will be available from the person designated in this notice as contact person for 15 days prior to its adoption and will be mailed to those persons who submit written or oral testimony related to this proposed regulatory action or who have requested notification of any changes to the proposal.

**Reference to Text and Initial Statement of Reasons**

The Board has prepared a statement of the reasons for the proposed action, which is available to the public upon request. The express terms of the proposed action and all information upon which the proposal is based are available upon request.

**Business Impact**

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because it affects all licensees equally who must comply with the professional standards of practice.

**Impact on Jobs/New Businesses**

The proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California, because it affects all licensees equally who must comply with the professional standards of practice.

**Public Hearing**

A public hearing will be held in the 3<sup>rd</sup> Floor Conference Room at 2535 Capitol Oaks Drive, Sacramento, CA 95833 at 10:00 a.m. on March 28, 2006.

**Federal Mandate**

The proposed regulatory action is not mandated by federal law or is not identical to any previously adopted or amended federal regulation.

**Consideration of Alternatives**

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be either more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposed regulatory action. The actual determination must be part of both the Initial and Final Statement of Reasons.

**Availability of the Final Statement of Reasons**

Interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the contact person named above.

**Website Access**

Materials regarding the proposed regulatory action can be found at [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov).

**Title 16. RESPIRATORY CARE BOARD**

**Department of Consumer Affairs**

**NOTICE OF PROPOSED CHANGES**

NOTICE IS HEREBY GIVEN that the Respiratory Care Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Respiratory Care Board, 444 North 3rd Street, Suite 270, in Sacramento, California at 10:00 a.m. on March 28, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Respiratory Care Board at its office not later than 5:00 p.m. on March 27, 2006, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by section 3722 of the Business and Professions Code, and to implement, interpret or make specific sections 3766, 3767, and 3768 of said Code, the Respiratory Care Board is considering changes to Division 13.6 of Title 16 of the California Code of Regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Business and Professions Code section 3766 authorizes the Respiratory Care Board to issue a citation containing an order of abatement and civil penalties against

a person, and a person employing or contracting with a person, who acts in the capacity of, or engages in the business of, a respiratory care practitioner in this state without having a license in good standing.

Business and Professions Code section 3767 states the board shall adopt regulations covering the assessment of a civil penalty that shall give due consideration to the gravity of the violation, and any history of previous violations.

This proposal would set forth the guidelines for the issuance and appeal of administrative citations and fines on persons, and those who employ them, when acting in the capacity of, or engaging in the business of, a respiratory care practitioner in this state without a license in good standing.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: NONE

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact of Jobs/new Businesses:

The Respiratory Care Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Respiratory Care Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing: NONE

#### EFFECT ON SMALL BUSINESS

The Respiratory Care Board has determined that the proposed regulations will not affect small businesses. All businesses, including small businesses, are currently responsible for ensuring that their employees who practice respiratory care in this state possess a respiratory

care practitioner license in good standing issued pursuant to the Respiratory Care Practice Act.

#### CONSIDERATION OF ALTERNATIVES

The Respiratory Care Board must determine that no reasonable alternative which is considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in the Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Respiratory Care Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing by accessing the board's website at [www.rcb.ca.gov](http://www.rcb.ca.gov) or upon request from the Respiratory Care Board at 444 North 3<sup>rd</sup> Street, Suite 270, Sacramento, CA 95814.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person name below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Liane Zimmerman, Assistant Executive Officer  
Respiratory Care Board of California  
444 North 3<sup>rd</sup> Street, Suite 270  
Sacramento, CA 95814  
(916) 323-9983  
[rcbinfo@dca.ca.gov](mailto:rcbinfo@dca.ca.gov)

The backup contact person is:

Stephanie Nunez, Executive Officer  
Respiratory Care Board of California  
444 North 3<sup>rd</sup> Street, Suite 270  
Sacramento, CA 95814  
(916) 323-9983  
rebinfo@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be addressed to:

Liane Zimmerman, Assistant Executive Officer  
Respiratory Care Board of California  
444 North 3<sup>rd</sup> Street, Suite 270  
Sacramento, CA 95814  
(916) 323-9983  
rcbinfo@dca.ca.gov

Website access: Materials regarding this proposal can be found at [www.rcb.ca.gov](http://www.rcb.ca.gov)

## **TITLE 17. CALIFORNIA DEPARTMENT OF DEVELOPMENTAL SERVICES**

**ACTION:** Notice of Proposed Rulemaking  
**SUBJECT:** Item 06-0130-02 Amendments to Family Home Agency (FHA) Regulations

### **NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Department of Developmental Services (Department) is proposing to amend regulations affecting Family Home Agencies (FHA), as described in the Informative Digest, below.

A public hearing regarding the proposal is scheduled for Tuesday, March 28, 2006, commencing at 10:00 a.m. at the following location:

California Department of Developmental Services  
Room 360  
1600 Ninth Street  
Sacramento, California 95814

At the public hearing any person may present statements or arguments orally or in writing relevant to the proposed action described in this notice. Testimony must be identified by the subject number and title for the item listed above. Persons choosing to deliver a written statement orally are requested to provide a copy of the written statement for the record. The hearing will adjourn following completion of oral testimony by all persons present at the hearing prior to 5:00 p.m. on the hearing date.

Written statements on the proposed regulations must be received no later than 5:00 p.m. on Tuesday, March

28, 2006, which is hereby designated as the close of the written comment period. Please submit written statements to:

Department of Developmental Services  
Community Development Branch  
1600 Ninth Street, Room 340, MS 3-13  
Sacramento, California 95814  
Attention: Ben Monroe  
Community Development Branch

Written comments may be hand delivered to the above address, faxed to 916-654-3020, or e-mailed to [bmonroe@dds.ca.gov](mailto:bmonroe@dds.ca.gov). Inquiries concerning this notice may be made by phone to Ben Monroe, at 916-654-2881 or emailed to [bmonroe@dds.ca.gov](mailto:bmonroe@dds.ca.gov).

### **“Building Partnerships, Supporting Choices”**

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS:**

The Department has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. A copy of the initial statement of reasons and a copy of the text of the proposed regulations are available through the Internet website of the Department of Developmental Services at [www.dds.ca.gov](http://www.dds.ca.gov), or upon request to Ben Monroe of the Community Development Branch at the address, phone number and email address noted above. All public records comprising the rule-making file, including reports, documentation, and other materials related to the proposed regulations are available for public scrutiny at the Community Development Branch location. Additionally, the final statement of reasons will be made available to the public upon completion of the adoption process.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

AB 2100 (Chapter 831, Statutes of 2004) established “family teaching homes” as an additional community living option for consumers, adding this option to the responsibilities of Family Home Agencies (FHA) through amendment of Welfare and Institutions Code Section 4689.1. In consequence of this legislative action, and to assure federal financial participation in the cost of providing the new living option, the following Title 17 regulation sections are being amended to add family teaching homes as a community living option supervised by the FHA in accordance with the regulatory requirements presently applicable to family homes.



These amendments are being made pursuant to the authority vested in the Department by Section 11152 of the Government Code and Section 4689.1 of the Welfare and Institutions Code, for the purpose of implementing, making specific, and interpreting the requirements of Section 4689.1 of the Welfare and Institutions Code.

Section 54342, located in SubChapter 2: Vendorization of the Department's regulations, is being amended to add family teaching home to the responsibilities of FHA vendors.

Section 56076, located in SubChapter 4.1: Family Home Agency (FHA) Regulations of the Department's regulations is being amended to define "family teaching home; clarify that all regulations applicable to family homes are equally applicable to family teaching homes; and to renumber some subsections to maintain consistency in numbering.

Regulation text which is being deleted is indicated by strikethrough, and additions or amendments are indicated by underlining, consistent with the requirements of Government Code section 11346.5(b).

#### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ESTIMATES

This proposal does not impose new costs to any local agency or school district for which Government Code section 1750–17630 requires reimbursement.

#### COSTS OR SAVINGS TO STATE AGENCIES

This proposal requires additional expenditures estimated at \$875,000 in the current State Fiscal Year. These costs will be absorbed by regional centers within their existing budgets. State funding costs will rise to \$3,848,000 in FY 2006–2007, and to \$5,591,000 in FY 2007–2008.

#### BUSINESS IMPACT/SMALL BUSINESSES

This proposal will have no significant, statewide impact directly affecting businesses, including the ability for California businesses to compete with businesses in other states. This proposed regulation will have no effect on small businesses, because it does not impose uncompensated new costs or compliance obligations upon small businesses.

#### ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

This proposal will have no effect on the creation of new jobs or businesses, and will not result in the elimination or expansion of existing jobs and businesses.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, and therefore believes this proposal has no significant cost impact on any representative person or business.

#### EFFECT ON HOUSING COSTS

This proposal has no significant cost impact on housing costs.

#### ALTERNATIVES

The Department must determine that no alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private person than the proposed action.

The proposal is confined to directly implementing the requirements of Welfare and Institutions Code Section 4689.1, and is essential for assuring federal financial participation in the cost of adult teaching homes.

#### CONTACT PERSON

Inquiries concerning the proposed adoption of this proposal, submission of written comments, and requests for materials should be directed to Ben Monroe, Community Development Branch, Department of Developmental Services, at the street address, phone number, and email address noted above, or alternatively, to Marva Hamilton, Chief, Training and Quality Assurance Section, at the street address noted above, by phone at 916–654–3767, or by email at [mhamilto@dds.ca.gov](mailto:mhamilto@dds.ca.gov).

#### CHANGES TO MODIFIED TEXT

With the exception of solely grammatical or nonsubstantive changes, any sufficiently-related changes to the text as originally proposed will be made available for 15 days prior to the Department's adoption of the

regulation. Major or substantial changes to the proposed regulation will go out for a new 45-day notice.

## TITLE 23. WATER RESOURCES CONTROL BOARD

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 23. WATERS DIVISION 3. RESOURCES CONTROL BOARD CHAPTER 18. PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND ARTICLE 7. ORPHAN SITE CLEANUP ACCOUNT

*NOTICE IS HEREBY GIVEN* that the State Water Resources Control Board (State Water Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

### PROPOSED REGULATORY ACTION

The State Water Board proposes to add Article 7 to chapter 18, division 3, title 23 of the California Code of Regulations (commencing with section 2814.20), relating to the Orphan Site Cleanup Account (OSCA).

### PUBLIC HEARING

A public hearing has not been scheduled for this proposed action. A public hearing will be held if any interested person, or duly authorized representative of an interested person, submits a written request for a public hearing to the State Water Board no later than 15 days before the close of the written comment period. If a request for a public hearing is made, the State Water Board shall provide notice of the time, date and place of the hearing by in accordance with Government Code section 11346.4 by mailing the notice to every person who has filed a request for notice with the State Water Board. In addition, as prescribed by Government Code section 11340.85, notice may be provided by means of electronic communication to those persons who have expressly indicated a willingness to receive notice by this means.

### WRITTEN COMMENT PERIOD

The State Water Board requests comments from interested persons to present any statements, arguments, or contentions relating to the proposed regulatory ac-

tion. The comments must be submitted in writing and received by the State Water Board before the close of the written comment period in order to be considered by the State Water Board before it adopts the proposed regulations. **The written comment period begins February 10, 2006, and closes at 5:00 p.m., Pacific Standard Time, on Monday, March 27, 2006.**

Comments may be hand delivered, or submitted by U.S. mail, facsimile transmission, or electronic mail. Comments delivered by hand should be taken to 1001 I Street, Sacramento, California, and addressed to the attention of Judy Reid, Division of Financial Assistance, 17<sup>th</sup> Floor, State Water Resources Control Board. Comments submitted by U.S. mail should be addressed as follows:

Judy Reid  
Special Programs Unit  
Division of Financial Assistance  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, CA 94244-2120  
(916) 341-5760  
E-mail address: [jreid@waterboards.ca.gov](mailto:jreid@waterboards.ca.gov)

Comments sent by facsimile should be sent to the following facsimile phone number: (916) 341-5806. Comments submitted by electronic mail should be sent to the following e-mail address: [jreid@waterboards.ca.gov](mailto:jreid@waterboards.ca.gov).

To be added to the mailing list for this rulemaking and to receive notification of updates of this rulemaking, please notify Judy Reid at the mailing address or e-mail address indicated above. Also, you may subscribe on the internet at [http://www.waterboards.ca.gov/lyrisforms/swrcb\\_subscribe.html](http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html); the name of the electronic mailing list is "AB 1906 Orphan Site Cleanup Account." **Persons who receive this notice by mail or electronic mail are already on the mailing list.**

### AUTHORITY AND REFERENCE

Health and Safety Code section 25299.77 authorizes the State Water Board to adopt regulations to implement Chapter 6.75 of the Health and Safety Code. References to specific code sections are identified in the proposed regulations for the OSCA program.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989 authorizes the State Water Board to administer a program to reimburse underground storage tank (UST) owners and operators for eligible costs incurred as a result of contamination from

leaking petroleum USTs. The State Water Board has been administering the Petroleum Underground Storage Tank Cleanup (Fund) for about 14 years. There are, however, numerous legislatively-imposed eligibility requirements, and many responsible parties, including some at brownfield sites, are ineligible for this funding.

Assembly Bill 1906 (Lowenthal) established the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Subaccount (OSCA) within the Fund. (See Health and Safety Code, section 25299.50.2.) Assembly Bill 1906 provides that \$10,000,000 per fiscal year for 2005, 2006, and 2007 shall be transferred from the Fund to the OSCA to address petroleum contamination from USTs at sites that qualify as brownfields. The proposed regulations implement and make specific the program created in AB 1906. Specifically, the proposed regulations establish eligibility requirements, a priority system for paying eligible applicants, funding limitations and define the types of costs that qualify for funding.

There are federal funds available for assessment and cleanup at petroleum brownfields. On January 11, 2002, the President signed into law the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law). The Brownfields Law provides federal financial assistance for brownfield revitalization, including grants for site assessment and remediation. (See 42 USC 9604(k).) The United States Environmental Protection Agency (EPA) administers this grant program. The Brownfields Law allows EPA to award brownfield grants for activities related to petroleum-contaminated sites, including UST sites, that: (1) EPA or the state determines are of relatively low risk compared to other petroleum-related sites in the state; (2) EPA or the state determines there is no viable responsible party and that the site will be assessed or cleaned up by a person that is not a potentially-responsible party; and (3) are not subject to an order issued pursuant to the Resource Conservation and Recovery Act. Under the EPA program, an applicant may apply for an assessment grant (not to exceed \$200,000 per site, unless a waiver is granted and then the maximum amount is \$350,000) and/or a cleanup grant (not to exceed \$200,000 per site).

## FISCAL IMPACT ESTIMATES

### Mandate on Local Agencies or School Districts

The State Water Board has determined that the proposed regulations do not impose a mandate on local agencies or school districts. The State Water Board has determined that the proposed regulations will not result in any additional cost or savings to any local agency or school district that is required to be reimbursed under

part 7 (commencing with section 17500) of division 4 of the Government Code.

Cost or Savings to any State Agency: The State Water Board has determined that the regulations will involve no additional costs or savings to any state agency.

Other Non-discretionary Cost or Savings Imposed on Local Agencies: The State Water Board has determined that there is no cost or savings imposed on local agencies as a result of the proposed regulations.

Cost or Savings in Federal Funding to the State: The State Water Board has determined that there is no cost or savings in federal funding to the state as a result of the proposed regulations.

## ECONOMIC IMPACT STATEMENTS

Statement of Significant Statewide Adverse Economic Impact Directly Affecting Business: The State Water Board has made the initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons Or Businesses: The State Water Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Creation Or Elimination of Jobs within California: The State Water Board has determined that the proposed regulatory action will have no effect on the creation or elimination of jobs within California.

Effect On Creation of New Businesses or Elimination of Existing Businesses within California: The State Water Board has determined that the proposed regulatory action will have no effect on the creation of new businesses or the elimination of existing businesses within California.

Effect On Expansion of Businesses Currently Doing Business within California: The State Water Board has determined that the proposed regulatory action will have no effect on the expansion of businesses currently doing business within California.

Effect on Small Businesses: The State Water Board has determined that the proposed regulatory action does not adversely affect small businesses in that they will derive a benefit from the implementation of the regulations. Small businesses are among applicants that will be able to participate in the new OSCA grant program.

Consideration of Alternatives: In accordance with Government Code section 11346.5, subdivision (a)(13), the State Water Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which

the action is proposed or would be as effective and less burdensome to affected private persons that the proposed action.

The State Water Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at any hearing that may be requested or during the written comment period.

#### **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The State Water Board has prepared an Initial Statement of Reasons for the proposed action. The Initial Statement of Reasons includes the specific purpose of the regulations proposed for adoption and the rationale for the State Water Board's determination that adoption is reasonably necessary to carry out the purpose for which the regulations are proposed. The Initial Statement of Reasons, the express terms of the proposed regulations, and all information on which the proposals are based are available from the agency contact person named in this notice.

The rulemaking file is available for inspection and copying through the rulemaking process at the Division of Financial Assistance, 1001 I Street, 17<sup>th</sup> floor, Sacramento, California. As of the date that this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulations, the Initial Statement of Reasons, and the rulemaking file for the emergency OSCA regulations that became effective on November 28, 2005.

The rulemaking file will also be published and made available at the following Division Internet website: <http://www.waterboards.ca.gov/cwphome/ustcf/ocea.htm>.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding any hearing that is requested and considering all timely and relevant comments received, the State Water Board may adopt the proposed regulations substantially as described in this notice. If the State Water Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) days before the State Water Board adopts the regulations as modified. A copy of any modified regulations may be obtained by contacting Ms. Judy Reid, the primary contact person identified below. The State Water Board will accept written comments on the modified regulations for fif-

teen (15) days after the date on which they are made available.

#### **AVAILABILITY OF FINAL STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting either of the persons listed below. A copy may also be accessed on the State Water Board website previously identified.

#### **CONTACT PERSONS**

Inquires concerning the proposed action may be directed to:

Ms. Judy Reid  
Special Programs Unit  
Division of Financial Assistance  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, CA 94244-2120  
(916) 341-5760  
E-mail address: [jreid@waterboards.ca.gov](mailto:jreid@waterboards.ca.gov)

The backup contact person for these inquiries is:

Ms. Pat Preslar  
Special Programs Unit  
Division of Financial Assistance  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, CA 94244-2120  
(916) 341-5756  
E-mail address: [ppreslar@waterboards.ca.gov](mailto:ppreslar@waterboards.ca.gov)

Questions regarding the substance of the proposed regulations may be directed to either contact person.

Please direct to Judy Reid requests for copies of the proposed text (the "express terms") of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or any other information upon which this proposed rulemaking is based.

### **GENERAL PUBLIC INTEREST**

#### **DEPARTMENT OF FISH AND GAME**

Department of Fish and Game —  
Public Interest Notice  
For Publication February 10, 2006  
CESA CONSISTENCY DETERMINATION FOR  
Airport Road Bridge Project  
Shasta County

The Department of Fish and Game (Department) received notice on January 18, 2006 that the Shasta



County Department of Public Works (Shasta County) proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of replacing and widening the Airport Road Bridge at its crossing of the Sacramento River north of the city of Anderson in Shasta County. The activities will include in-water work which will impact listed fish species and will necessitate removal of riparian vegetation.

The National Marine Fisheries Service, on January 6, 2006, issued to the Federal Highway Administration (FHWA), a no jeopardy federal biological opinion (151422SWR2003SA8897:MET) which considers the federally and state endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and federally and state threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Shasta County is requesting a determination that the federal biological opinion 151422SWR2003SA8897:MET is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, Shasta County will not be required to obtain a separate permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

## DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication February 10, 2006  
CESA CONSISTENCY DETERMINATION FOR  
PG&E West Sacramento — Davis Reconductoring  
and Pole Replacement Project  
Yolo County

The Department of Fish and Game ("Department") received a notice on January 26, 2006 that the Pacific Gas and Electric Company (PG&E) proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the installation of a new conductor and the replacement of poles on its existing 115kV electric transmission line between West Sacramento and Davis in Yolo County. The activities will result in impacts to 0.021 acres of giant garter snake (*Thamnophis gigas*) habitat.

The U.S. Fish and Wildlife Service (USFWS), on May 19, 2005, determined that the project met the criteria for inclusion with the Giant Garter Snake Program-

matic Formal Consultation (1-1-97-F-149) issued to the U.S. Army Corps of Engineers (Corps) which considers the Federally and State threatened giant garter snake, and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, PG&E is requesting a determination that the USFWS inclusion of this project (1-1-05-F-0128) with the Programmatic Consultation is consistent with CESA. If the Department determines that the project and USFWS decision is consistent with CESA, PG&E will not be required to obtain an incidental take permit for the proposed project.

## DEPARTMENT OF FISH AND GAME

### CALIFORNIA DEPARTMENT OF FISH AND GAME CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2005-041-05

PROJECT: State Route 125 South (Project)  
LOCATION: City of San Diego, City of Chula  
Vista, and County of San Diego  
REQUESTER: California Department of  
Transportation (Caltrans)

## BACKGROUND

The proposed Project consists of the construction of a four lane controlled access highway in southern San Diego County between existing State Route 54 to the north and Interstate 905 to the south. Local interchanges will be built at Otay Mesa Road, Olympic Parkway, Telegraph Canyon/Otay Lakes Road, and East H Street, plus a freeway interchange at State Route 54. Ultimately, the highway will be expanded to include up to eight mixed flow lanes, two High Occupancy Vehicle lanes, a wide median, and additional interchanges at Mt. Miguel Parkway, Birch Parkway, Rock Mountain Road, Lonestar Road, and Interstate 905. The portion of the highway between San Miguel Road and Otay Mesa Road will be a toll road operated by California Transportation Ventures, Inc., a private entity. The project is jointly sponsored by Caltrans and the Federal Highways Administration (FHWA).

Construction of the Project will affect the least Bell's vireo (*Vireo belli pusillus*) and Otay tarplant (*Deinandra conjugens*, formerly *Hemizonia conjugens*) which are both listed as endangered pursuant to the California Endangered Species Act, Fish and Game Code 2050 et seq. (CESA). On February 26, 1999, the U.S. Fish and Wildlife Service (Service) issued a Biological Opinion (No. 1-6-99-F-14) to the U.S. Department of Transportation, Federal Highway Administration setting

forth measures to mitigate impacts to the least Bell's vireo and Otay tarplant, and their habitats. On May 12, 1999, the Director of the Department of Fish and Game (Department) received a notice from Caltrans seeking a determination pursuant to section 2080.1 of Fish and Game Code that the federal Biological Opinion (BO) was consistent with CESA. On June 11, 1999, the Department found the BO consistent with CESA and issued Consistency Determination 2080-1999-022-5. On May 19, 2003, the Service amended the BO to address changes in the project description pertaining to land acquisition and credit purchases, management plans, and restoration activities to offset impacts to sensitive species and their habitats. The only amendments to the BO that are relevant to the Consistency Determination (CD) are changes to the mitigation for Otay tarplant; no changes were made in regard to least Bell's vireo. Project impacts to Otay tarplant remain the same and, as stated in the BO, include approximately 24,000 plants, occupying a total of 4.65 acres, in several locations over the 11.2-mile length of the project. The BO required that impacts to Otay tarplant be offset through acquisition of a 3-4 acre parcel on Otay Ranch known to support the tarplant and one of the following two options: (1) acquisition of 7-10 acres of the San Miguel Conservation Bank supporting approximately 20,000 individuals; or (2) acquisition of a 40-acre parcel in Proctor Valley supporting approximately 10,000 individuals. The Department's 1999 consistency determination was specifically based on acquisition and preservation of the Proctor Valley parcel; the San Miguel Conservation Bank option was determined not to be consistent. On December 28, 2005, the Director of the Department of Fish and Game received a notice from Caltrans seeking a determination pursuant to section 2080.1 of Fish and Game Code that the amended Biological Opinion is consistent with CESA.

#### DETERMINATION

After reviewing the above-referenced Biological Opinion, the Amendment, and other relevant documents, the Department has determined that the amended Biological Opinion 1-6-99-F-14 is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Measures incorporated into the project and described in the federal biological opinion include, but are not limited to, the following elements.

1. Impacts to least Bell's vireo will be offset through the deduction of 24 vireo credits from the Rancho San Diego Mitigation Bank and restoration of 18.11 acres of vireo quality riparian habitat at Rancho Jamul. These mitigation measures are the same as in the BO and CD 2080-1999-022-5, and have all been implemented.
2. For Otay tarplant, the 4-acre Otay Ranch parcel on Otay Mesa has been acquired. Long-term management of this site is covered in the Final Habitat Management Plan for the Johnson Canyon Open Space Preserve; this plan has been approved by the Service.
3. Subsequent to the BO and CD, the 40-acre Proctor Valley parcel for Otay tarplant became unavailable and was replaced in the Amendment with the requirement for a total of 18.6 acres of Otay tarplant habitat restoration at Bonita Meadows. This site supports 90,000 tarplant individuals and will meet the 4:1 protection and management requirement for both tarplant habitat and individuals. The Habitat Management Plan for the Bonita Meadows Otay Tarplant Preservation Areas has been approved by the Service.
4. The financial mechanism required in 2.b. of the Terms and Conditions of the BO has been approved by the Service and is being provided through an Irrevocable Letter of Credit to the California Department of Transportation, acting on behalf of the U.S. Fish and Wildlife Service. The LC is in the amount of \$2,247,800.00.

Based on the Department's consistency determination, Caltrans does not need to obtain authorization from the Department under CESA for take of least Bell's vireo and Otay tarplant that occurs while carrying out the project, provided Caltrans complies with the mitigation measures and other conditions described in the biological opinion. However, if the project as described in the opinion, including the mitigation measures therein, changes after the date of the opinion, or if the Service amends or replaces that opinion, Caltrans will need to obtain from the Department a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2081).

## DEPARTMENT OF HEALTH SERVICES

### NOTICE OF GENERAL PUBLIC INTEREST

#### THE DEPARTMENT OF HEALTH SERVICES INTENDS TO SUBMIT A STATE PLAN AMENDMENT REGARDING THE LONG-TERM CARE REIMBURSEMENT METHODOLOGY FOR COMPOSITE DISTINCT PART NURSING FACILITIES WHICH ACQUIRE A FREESTANDING NURSING FACILITY

The California Department of Health Services (CDHS) is issuing this public notice with respect to providing an interim Medi-Cal reimbursement rate to a General Acute Care Hospital with a Distinct Part Nursing Facility (DP/NF), which acquires a freestanding nursing facilities-level B (NF-B) to form a Composite DP/NF, as defined in federal regulations. CDHS intends to submit an amendment to California's Medicaid State Plan to the Centers for Medicare & Medicaid Services (CMS), to implement an interim per diem rate for a Composite DP/NF where the facility will have one license, one provider agreement, and one provider number.

#### REVISION TO DP/NF RATE METHODOLOGY FOR COMPOSITE DP/NF

Currently, California's Medicaid State Plan provides that when a General Acute Care Hospital acquires a freestanding NF-B that will operate as a distinct part of that hospital, the consolidated DP/NFs are reimbursed utilizing both the freestanding NF-B and the existing DP/NF historical costs, until consolidated cost data becomes available for the applicable rate study. This rate is referred to as a blended rate.

CDHS intends to submit an amendment to the State Plan to CMS to pay an interim per diem rate to a Composite DP/NF based on cost projections. CMS must approve the existing facility as meeting the requirements of a composite DP/NF. Subject to review, CDHS will calculate an interim per diem rate based on a cost projection for the DP/NFs' total patient days and costs. The interim per diem rate may not exceed the existing DP/NF per diem rate. When the Composite DP/NFs' audited costs become available, the interim per diem rates will be adjusted retroactively to the facility's final per diem rate. Final rates may be less than the interim rate, in which case the Department shall recover any overpayment.

The new State Plan language will authorize CDHS to pay new Composite DP/NFs an interim per diem rate based on projected costs of the hospital DP/NF rate ef-

fective upon the date CDHS issues a consolidated license. The interim rate will be in effect until audited cost data for the Composite DP/NF becomes available.

The proposed State Plan Amendment will also add language to Sections IV and VIII of Attachment 4.19-D of the State Plan to clarify that a Composite DP/NF would be eligible for supplemental reimbursements equal to the federal share of costs it incurs in serving Medi-Cal beneficiaries in excess of the regular reimbursement rate.

### PUBLIC REVIEW

The proposed State Plan Amendment, which details the changes discussed above, is available for review at local county welfare offices throughout the state. Copies of the proposed State Plan Amendment may also be requested from and written comments may be sent to:

Karen Hobson,  
Chief of the Long Term Care Reimbursement Unit  
Rate Development Branch  
Department of Health Services  
1501 Capitol Avenue, Suite 71.4001  
MS 4612,  
P.O. Box 997417  
Sacramento, CA 95899-7417.

## DEPARTMENT OF SOCIAL SERVICES

### NOTICE TO INTERESTED PARTIES

The California Department of Social Services (CDSS) is required by federal law to submit an updated State Plan for the Temporary Assistance to Needy Families program. Notice is hereby given that a copy of California's proposed updated plan is available upon request for public review and comment.

Copies of the proposed State Plan are available from the office listed below. Comments relating to the proposed plan may be submitted in writing or by telefax to the address/number listed below. All comments must be received no later than March 7, 2006.

### CONTACT

Ms. Leydis Church  
CalWORKs Eligibility Bureau  
TANF State Plan Recertification  
744 "P" Street, MS 16-31  
Sacramento, CA 95814  
(916) 654-2116

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

### NOTICE OF INTENT TO LIST CHEMICALS Additional Extension of Public Comment Period February 10, 2006

[Extension Notice was posted on the OEHHA web  
site on January 26, 2006]

On December 30, 2005, the Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (Register 05, No. 53-Z) extending the public comment period related to the announcement of its intent to list 2,4-D (2,4-dichlorophenoxy) acetic acid and certain related compounds (originally published on November 18, 2005 in *CRNR* Register 05, No. 47-Z) under Proposition 65 as chemicals known to the state to cause reproductive toxicity in accordance with the regulatory criteria in Section 12306 of Title 22 of the California Code of Regulations. The extended public comment period was scheduled to close on February 2, 2006. OEHHA has received additional requests from interested parties seeking further extension of the comment period to allow for the submission of complete and relevant scientific information. OEHHA hereby extends the public comment period for (2,4-dichlorophenoxy) acetic acid; 2,4-D n-butyl ester; 2,4-D isopropyl ester; 2,4-D isooctyl ester; propylene glycol butyl ether ester (of 2,4-D); 2,4-D butoxyethanol ester; and 2,4-D dimethylamine salt for 45 days to 5 p.m., **Monday, March 20, 2006.**

Written comments provided in triplicate, along with supporting information, may be submitted to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Monday, March 20, 2006.

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### AIR RESOURCES BOARD

Fleet Rule for Transit Agencies

This action updates and reorganizes the California Air Resources Board's regulations controlling emissions from various types of buses and transit agency bus fleets.

Title 13

California Code of Regulations

ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4

AMEND: 1956.1, 2020, 2021 REPEAL: 1956.2, 1956.3, 1956.4

Filed 01/31/06

Effective 01/31/06

Agency Contact: Victoria E. Davis (916) 322-2884

#### CALIFORNIA CLIMATE ACTION REGISTRY

Conflict of Interest Code

The California Climate Action Registry is amending its conflict of interest code found at title 2, division 8, chapter 103, section 59150, California Code of Regulations. These changes were approved for filing by the Fair Political Practices Commission on December 7, 2005.

Title 2

California Code of Regulations

AMEND: Div. 8, Ch. 103, Sec. 59150

Filed 01/30/06

Effective 03/01/06



Agency Contact:  
Jeannette Lindsay (213) 891-1444

**CALIFORNIA GAMBLING CONTROL COMMISSION**

**General Provisions**

This regulatory action is to eliminate duplication among the definitions sections within several chapters of Title 4, Division 18 by creating, at the beginning of the Division in a previously Reserved Chapter 1, a general section of definitions applicable to the entire Division. In addition, a new provision describes the process for registrants and licensees to report a change of address using a form which is included in a new Appendix A to Chapter 1.

Title 4  
California Code of Regulations  
ADOPT: 12002, 12004, Appendix A AMEND:  
12100, 12200, 12220, 12300  
Filed 01/25/06  
Effective 02/24/06  
Agency Contact:  
Heather Cline-Hoganson (916) 274-6328

**DEPARTMENT OF CORPORATIONS**  
**CDDTL: Books, Records and Annual Reports**

This action adopts recordkeeping and reporting requirements for licensees under the California Deferred Deposit Transaction Law (CDDTL).

Title 10  
California Code of Regulations  
ADOPT: 2025, 2026, 2027, 2028, 2029, 2030  
Filed 01/25/06  
Effective 01/25/06  
Agency Contact: Karen Fong (916) 322-3553

**Department of Corporations**  
**Implementation of AB 2921**

Department of Corporations (DOCR) proposes to adopt and amend regulations under Title 10 of the California Code of Regulations (CCR), based on changes in the Corporations Code (Code) pursuant to AB 2921 (Stats. 2004, ch. 458). These regulations implement the Franchise Investment Law (FIL) under the Code. Under FIL franchises cannot be offered for sale unless registered with DOCR or exempt from DOCR review. This action pertains to regulations under FIL that allow exemptions to registration of franchise offerings, and related requirements for franchise negotiations and electronic disclosure documents.

Title 10  
California Code of Regulations  
ADOPT: 310.100.4, 310.114.4 AMEND: 310.101  
Filed 01/31/06  
Effective 03/02/06  
Agency Contact: Karen Fong (916) 322-3553

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**Joint Venture Program**

This regulatory action is to clarify that the responsibility of CDCR to monitor Joint Venture Employer (JVE) compliance with applicable wage laws, as required by CCR Title 15, Section 3484, is not modified by Section 3482(a)(12)(R).

Title 15  
California Code of Regulations  
AMEND: 3482  
Filed 01/25/06  
Effective 01/25/06  
Agency Contact:  
Ann Cunningham (916) 322-9702

**DEPARTMENT OF JUSTICE**  
**Health Studio Surety Bond**

This filing adopts a new form entitled "Surety Bond Health Studio (Civil Code Section 1812.80 et seq.)" to be used for a bond obtained by a health studio, gymnasium, or other facility used for training in physical culture in order to enable the health studio to draw upon consumers' funds held in trust pursuant to Civil Code section 1812.96, prior to the studio's opening for business.

Title 11  
California Code of Regulations  
ADOPT: 64.2  
Filed 01/31/06  
Effective 01/31/06  
Agency Contact: Anne M. Burr (415) 703-1403

**DEPARTMENT OF MOTOR VEHICLES**

**Driver License Restriction(s) in Lieu of FR Suspension**

Per Vehicle Code §16070 if a driver is involved in an accident and fails to provide proof of financial responsibility the Department of Motor Vehicles shall suspend the driving privileges of that driver. VC§§16072 and 16073 allows a person with a suspended license to operate a vehicle under specific restrictions. These restrictions allow the driver to drive to and from work, to transport a minor to and from school, and when transporting an immediate family member or the driver to medical or mental health treatments. (These restrictions require payment of a fee and the completion of an application — form was incorporated by reference) This

rulemaking amends §§ 77.05, 77.10, 77.15, 77.16 and 77.17 in Title 13 to make it clear that these restrictions no longer apply when the applicant holds a commercial driver license, whether a class A, class B or commercial class C license. Legislation was enacted in 2004 to bring California law in conformance with the federal commercial driver licensing program contained in Title 49 of the CFR. The regulatory changes in this file are in response to the 2004 legislative changes.

Title 13  
California Code of Regulations  
AMEND: 77.05, 77.10, 77.15, 77.16, 77.17  
Filed 01/30/06  
Effective 03/01/06  
Agency Contact: Christie Patrick (916) 657-5567

#### DEPARTMENT OF TOXIC SUBSTANCES CONTROL Conflict of Interest Code

This is a Conflict of Interest Code that has been approved by the Fair Political Practices Commission and being submitted for filing with the Secretary of State and printing only.

Title 22  
California Code of Regulations  
ADOPT: 66250.1, 66250.2  
Filed 01/31/06  
Effective 03/02/06  
Agency Contact: Mark Abrams (916) 322-2833

#### DIVISION OF WORKERS COMPENSATION Workers' Compensation — Qualified Medical Evaluator

Division of Workers' Compensation (DWC) proposes this action as one without regulatory effect pursuant to 1 CCR 100. The proposed action amends 8 CCR sections 100 and 102, which contain Form 100 (application for appointment) and Form 102 (registration for QME exam), respectively. These forms are used by physicians to register for a required examination to become a Qualified Medical Evaluator (QME) in California's workers' compensation system. Amendment to these two forms are based on changes in the Labor Code affecting the worker's compensation system pursuant to AB 228 (Stats. 2003, ch. 639), updating of DWC address and telephone information, and minor technical and grammatical changes.

Title 8  
California Code of Regulations  
AMEND: 100, 102  
Filed 01/27/06  
Effective 01/27/06  
Agency Contact: Suzanne Marria (510) 286-0634

#### OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD Floor Openings for Steel Framed Buildings

The regulatory action deals with floor openings in steel framed buildings.

Title 8  
California Code of Regulations  
AMEND: 1635  
Filed 01/25/06  
Effective 02/24/06  
Agency Contact: Marley Hart (916) 274-5721

#### OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD Protection From Electric Shock

In this regulatory action, the Occupational Safety and Health Standards Board amends a Construction Safety Order regulation pertaining to employers protecting employees from electrical shock.

Title 8  
California Code Regulations  
AMEND: 1518  
Filed 01/27/06  
Effective 02/26/06  
Agency Contact: Marley Hart (916) 274-5721

#### STATE WATER RESOURCES CONTROL BOARD TMDL for Nitrogen and Phosphorus in Rainbow Creek

This amendment to the Water Quality Control Plan for the San Diego Region (Basin Plan) establishes a Total Maximum Daily Load (TMDL) for nitrogen and phosphorus for the Rainbow Creek Watershed.

Title 23  
California Code of Regulations  
ADOPT: 3989.3  
Filed 02/01/06  
Agency Contact: Rik Rasmussen (916) 341-5549

### **CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN AUGUST 31, 2005 TO FEBRUARY 01, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

12/29/05 AMEND: 1038

**Title 2**

01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150  
 01/24/06 REPEAL: 649.23, 649.25, 649.26, 649.27  
 01/23/06 AMEND: 18351  
 01/20/06 AMEND: 1897  
 01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300  
 01/17/06 ADOPT: 560 REPEAL: 560  
 12/29/05 AMEND: 18329.5, 18701, 18751  
 12/21/05 AMEND: 599.960, 599.961  
 12/20/05 AMEND: 18700, 18707, 18708  
 12/12/05 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80  
 11/16/05 AMEND: 1181  
 11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328,  
 11/07/05 AMEND: 20107  
 10/31/05 AMEND: 1859.2, 1859.81, 1866  
 10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01  
 10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1  
 10/18/05 ADOPT: 18732.5  
 10/11/05 ADOPT: 18117, 18772  
 10/11/05 AMEND: 18450.4  
 10/11/05 AMEND: 18401, 18427.1, 18700, 18705, 18707.9, 18730, 18750  
 10/06/05 ADOPT: 18735.5  
 09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284  
 09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000  
 09/13/05 AMEND: 18730  
 09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800  
 09/06/05 ADOPT: 1183.12, 1183.13, 1183.14 AMEND: 1181, 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.1, 1183.11, 1183.12, 1183.2, 1183.21, 1183.3, 1187, 1187.2, 1187.3, 1187.4, 1188.1, 1188.3, 1188.4,

**Title 3**

01/12/06 AMEND: 6393, 6394, 6395, 6396  
 12/28/05 AMEND: 3406(b)  
 12/28/05 ADOPT: 6576, 6950  
 12/15/05 AMEND: 6400  
 12/13/05 AMEND: 3700(c)  
 12/01/05 AMEND: 3700(c)  
 11/23/05 AMEND: 3406(b)  
 10/25/05 AMEND: 3406(b)  
 10/24/05 AMEND: 3433(b)  
 10/20/05 AMEND: 3591.19(a)  
 10/19/05 AMEND: 3406(b)  
 10/18/05 ADOPT: 3591.18  
 10/17/05 AMEND: 3406(b)  
 10/07/05 AMEND: 3406(b)  
 10/07/05 ADOPT: 6551  
 10/04/05 ADOPT: 3963  
 10/03/05 AMEND: 3433  
 09/28/05 ADOPT: 3591.19  
 09/27/05 AMEND: 3700(c)  
 09/16/05 ADOPT: 581

**Title 4**

01/25/06 ADOPT: 12002, 12004, Appendix A AMEND: 12100, 12200, 12220, 12300  
 01/20/06 ADOPT: 1843.6  
 01/09/06 ADOPT: 1902.5  
 01/09/06 ADOPT: 1690.1  
 12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074, 8076  
 12/21/05 ADOPT: 12359  
 12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098  
 12/05/05 AMEND: 1977  
 12/05/05 REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7  
 11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.  
 11/28/05 ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521  
 11/23/05 AMEND: 4083  
 11/01/05 ADOPT: 10300, 10302, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10335, 10337  
 10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046,

7047, 7048, 7049, 7050 AMEND: 7047,  
7048 REPEAL: 7049  
10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025,  
9027, 9050, 9051, 9052, 9053, 9054,  
9055, 9056, 9057, 9058, 9059, 9060,  
9061, 9062, 9063, 9064, 9065, 9066,  
9067, 9068, 9069, 9070 AMEND: 9020,  
9030, 9031, 9032, 9041, 9043  
10/12/05 AMEND: 1433  
09/13/05 ADOPT: 1843.6  
09/12/05 AMEND: 4140

**Title 5**

01/19/06 ADOPT: 11987, 11987.1, 11987.2,  
11987.3, 11987.4, 11987.5, 11987.6,  
11987.7  
12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684,  
4685, 4686, 4687 AMEND: 4600, 4610,  
4611, 4620, 4621, 4622, 4630, 4631,  
4632, 4633, 4640, 4650, 4651, 4660,  
4662, 4663, 4664, 4665, 4670, 4910  
REPEAL: 4661, 4671  
12/12/05 ADOPT: 80033.2  
12/07/05 AMEND: 43810  
12/06/05 ADOPT: 11963.5 AMEND: 11704,  
11963.2, 11963.3, 11963.4, 11963.5,  
11963.6  
11/17/05 AMEND: 41301 REPEAL: 41303,  
41304  
11/15/05 AMEND: 6111  
11/10/05 AMEND: 19826.1  
10/19/05 AMEND: 11900, 11905, 11915, 11920,  
11925, 11930, 11935  
10/14/05 ADOPT: 18092.5 AMEND: 18066,  
18069, 18078, 18081, 18083, 18084,  
18092, 18103, 18106, 18109, 18110  
10/14/05 ADOPT: 18092.5 AMEND: 18066,  
18069, 18078, 18081, 18083, 18084,  
18092, 18103, 18106, 18109, 18110  
10/11/05 ADOPT: 19850, 19851, 19852, 19853,  
19854 AMEND: 19814, 19814.1  
10/11/05 ADOPT: 18220.2, 18224.2, 18224.4,  
18240.5, 18249 AMEND: 18220, 18240,  
18248, 18244  
09/28/05 AMEND: 50500  
09/01/05 REPEAL: 1630

**Title 8**

01/27/06 AMEND: 100, 102  
01/27/06 AMEND: 1518  
01/25/06 AMEND: 1635  
12/20/05 AMEND: 3395  
12/14/05 AMEND: 6632(f)  
12/13/05 AMEND: 20299  
12/05/05 AMEND: 4650  
11/22/05 ADOPT: 13694

11/22/05 ADOPT: 13680, 13681, 13682, 13683,  
13684, 13685, 13686, 13687, 13688,  
13689, 13690, 13691, 13692, 13693  
09/29/05 AMEND: 9789.11  
09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,  
9792.10 REPEAL: 9792.11  
09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,  
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,  
9767.10, 9767.11, 9767.12, 9767.13,  
9767.14, 9767.15

**Title 9**

01/23/06 AMEND: 3400  
01/19/06 AMEND: 400  
12/30/05 ADOPT: 3100, 3200.000, 3200.010,  
3200.020, 3200.030, 3200.040,  
3200.050, 3200.060, 3200.070,  
3200.080, 3200.090, 3200.100,  
3200.110, 3200.120, 3200.130,  
3200.140, 3200.150, 3200.160, 3310,  
3400, 3405, 3410, 3415

**Title 10**

01/31/06 ADOPT: 310.100.4, 310.114.4 AMEND  
310.101  
01/25/06 ADOPT: 2025, 2026, 2027, 2028, 2029,  
2030  
01/23/06 AMEND: 2698.99  
01/23/06 ADOPT: 2592, 2592.01, 2592.02,  
2592.03, 2592.04, 2592.05, 2592.06,  
2592.07, 2592.08, 2592.09, 2592.10,  
2592.11, 2592.12, 2592.13, 2592.14  
01/20/06 AMEND: 2498.6  
12/28/05 AMEND: 2498.5  
12/13/05 AMEND: 2312, 2312.5, 2315  
11/23/05 AMEND: 260.210, 260.211, 1726,  
1950.122, 2020  
11/16/05 AMEND: 2699.6600, 2699.6809  
11/15/05 AMEND: 2690.1  
11/03/05 ADOPT: 2698.95.1, 2698.95.11,  
2698.95.12, 2698.96, 2698.97,  
9698.97.1, 2698.98, 2698.98.1 AMEND:  
2698.95  
10/20/05 AMEND: 2318.6, 2353.1, 2354  
10/07/05 ADOPT: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41, 2698.42, 2698.43 REPEAL:  
Sections 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.  
09/28/05 AMEND: 260.121  
09/28/05 AMEND: 2498.4.9

**Title 11**

01/31/06 ADOPT: 64.2



01/19/06	AMEND: 1005	10/31/05	AMEND: 180.1
01/11/06	ADOPT: 116.2	10/26/05	AMEND: 2516
01/09/06	AMEND: 999.1, 999.2, 999.3, 999.4	10/25/05	AMEND: 11900
12/22/05	AMEND: 1005, 1007, 1008, D-1, D-10, D-14	10/24/05	AMEND: 1251, 1252, 1252.1, 1253, 1254, 1256, 1257
12/15/05	AMEND: 51.12	10/18/05	ADOPT: 17939.1, 17939.2, 17939.3, 17939.4, 17939.5 AMEND: 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936
12/01/05	ADOPT: 116.1	10/13/05	AMEND: 699.5
11/22/05	ADOPT: 49.17	10/13/05	AMEND: 895, 895.1, 1038, 1038(f)
10/24/05	AMEND: 1070, 1081, 1082	10/12/05	ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 19462, 18463, 18464, 18466
<b>Title 12</b>		10/06/05	AMEND: 15000, 15001, 15002, 15003, 15004, 15005, 15006, 15007, 15020, 15021, 15022, 15023, 15024, 15025, 15040, 15041, 15042, 15043, 15044, 15045, 15050, 15051, 15052, 15053, 15060, 15060.5, 15061, 15062, 15063, 15064, 15064.5, 15064.7, 15065, 15070,
09/19/05	ADOPT: 460, 461	09/30/05	AMEND: 502, 506
<b>Title 13</b>		09/21/05	ADOPT: 18801.1, 18808.1, 18808.2, 18808.3, 18808.4, 18808.5, 18808.6, 18808.7, 18808.8, 18808.9, 18808.10, 18808.11, 18809.1, 18809.2, 18809.3, 18809.4, 18809.5, 18809.6, 18809.7, 18809.8, 18809.9, 18809.10, 18809.11, 18810.1, 18810.2, 18810.3, 18810.4,
01/31/06	ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4 AMEND: 1956.1, 2020, 1021 REPEAL: 1956.2, 1956.3, 1950.4	09/20/05	AMEND: 13800
01/30/06	AMEND: 77.05, 77.10, 77.15, 77.16, 77.17	<b>Title 15</b>	
01/18/06	AMEND: 553.70	01/25/06	AMEND: 3482
01/13/06	AMEND: 2467, 2467.1	01/19/06	AMEND: 3370
01/12/06	ADOPT: 1875	01/17/06	AMEND: 3000, 3062, 3075, 3210
01/12/06	AMEND: 970	12/15/05	AMEND: 3335
12/16/05	ADOPT: 253.02 AMEND: 345.16	12/05/05	AMEND: 3173.1
12/07/05	ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures	11/21/05	ADOPT: 3999.2
12/05/05	AMEND: 425.01	11/01/05	AMEND: 3287
11/08/05	AMEND: 550, 551.11, 551.12	09/13/05	ADOPT: 3480, 3480.1, 3483, 3484, 3485 AMEND: 3084.1, 3084.7, 3480, 3481, 3482, 3483
10/27/05	AMEND: 2453, 2455	<b>Title 16</b>	
10/18/05	AMEND: 28.18, 28.19, 28.20, 28.21, 28.22, 28.23	01/12/06	AMEND: 1313.01
09/15/05	ADOPT: 1961.1 AMEND: 1900, 1961	01/05/06	AMEND: 1399.710
09/15/05	AMEND: 1961(d)	12/30/05	AMEND: 119.6, 120
09/12/05	AMEND: 2262, 2264.2, 2266.5(a) (6)	12/30/05	AMEND: 1820, 1970.4, 1991, 1996
<b>Title 14</b>		12/27/05	AMEND: 3005
12/22/05	AMEND: 11900	12/15/05	ADOPT: 1399.454 AMEND: 1399.434, 1399.436, 1399.450, 1399.451
12/19/05	ADOPT: 163.1 AMEND: 163, 164		
12/06/05	ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05		
12/02/05	AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37		
11/30/05	ADOPT: 957.11, 957.12 AMEND: 957		
11/16/05	AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]		
11/09/05	ADOPT: 1038(i) AMEND: 1038.2, 1038(e)		
11/02/05	AMEND: 632		
11/01/05	ADOPT: 2.45, 251.9		

12/13/05	AMEND: 3005	Appendix B REPEAL: 1363, 1365, 1368, 1368.5
12/12/05	ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 35.1 AMEND: 70, 98	12/30/05 AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608
12/02/05	ADOPT: 3067	09/08/05 ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842
11/30/05	AMEND: 2542, 2542.1, 2547, 2547.1	
11/29/05	AMEND: 1397.61(f)	
11/21/05	AMEND: 1397.61(a)	
11/18/05	AMEND: 1364.11	
11/15/05	AMEND: 69, 75.5, 87.5, 89, 89.1, 95, 95.2, 95.3, 95.4	
10/24/05	AMEND: 1399.50, 1399.52	<b>Title 21</b>
10/20/05	AMEND: 1922.3	09/09/05 ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619
10/20/05	AMEND: 1870, 1870.1, 1874	
10/18/05	AMEND: 1807.2, 1833, 1833.1, 1833.2, 1887.4, 1889, 1889.1, 1889.3	<b>Title 22</b>
10/11/05	AMEND: 7, 7.1, 9, 9.2, 11.5, 13 REPEAL: 14	01/31/06 ADOPT: 66250.1, 66250.2
10/06/05	AMEND: 1016, 1017	01/23/06 AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501
10/05/05	AMEND: 1014, 1014.1	01/20/06 AMEND: 4448
09/20/05	AMEND: 407(c)	01/17/06 AMEND: 14000
09/09/05	AMEND: 1399.170.11	01/17/06 AMEND: 12000
09/07/05	ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732 6, 1732.7, 1745, 1749 REPEAL: 1727, 1750	12/30/05 ADOPT: 67384.1, 67384.2, 67384.3, 67384.4, 67384.5, 67384.6, 67384.7, 67384.8, 67384.9, 67384.10, 67384.11
09/06/05	ADOPT: 1659.30(a) (b) (c), 1659.31(a) (b), 1659.32(a) (b), 1659.33, 1659.34(a)(b)(c), 1659.35	12/27/05 ADOPT: 66262.44 AMEND: 66261.111, 66262.10
09/06/05	ADOPT: 1070.4	12/19/05 ADOPT: 66264.151 AMEND: 66264.115, 66264.120, 66264.143, 66264.145, 66264.147, 66265.115, 66265.120, 66265.143, 66265.145, 66265.147, 67450.13, 67450.30, 67450.49
<b>Title 17</b>		11/10/05 ADOPT: 51000.6.1, 51000.10.1, 51000.15.1, 51000.20.1, 51000.24.1, 5100.25.1, 51000.25.2, 51000.31, 51000.32, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60, 51051 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000
12/29/05	ADOPT: 30105	10/04/05 AMEND: 80072(a) (8), 85068.4
11/10/05	AMEND: 54355, 56002, 56040	09/27/05 AMEND: 311-1
10/18/05	ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232	09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5 AMEND: 4400(I), 4403, 4412.1, 4415, 4417
09/12/05	ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4	09/02/05 AMEND: 4418 REPEAL: 4419, 4442.1, 4444
09/07/05	REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9	
08/31/05	ADOPT: 93102.5	
<b>Title 18</b>		<b>Title 23</b>
01/10/06	AMEND: 1S84	02/01/06 ADOPT: 3989.3
12/29/05	AMEND: 1620	01/20/06 ADOPT: 3939.17
12/27/05	ADOPT: 1823.4	12/27/05 ADOPT: 3939.16
12/09/05	ADOPT: 25106.5-11	12/20/05 ADOPT: 3957
10/04/05	AMEND: 1698	12/15/05 ADOPT: 3939.18
<b>Title 20</b>		
01/12/06	AMEND: 79, 80	
01/03/06	ADOPT: 1362, 1363.1, 1363.2, 1365.1, Appendix C AMEND: 1364, 1366, 1368.1, 1369, 1370, Appendix A,	

12/09/05 ADOPT: 3939.19

12/09/05 ADOPT: 3939.20

12/02/05 ADOPT: 3989.2

12/01/05 ADOPT: 3939.15

11/28/05 ADOPT: 2814.20, 2814.21, 2814.22,  
2814.23, 2814.24, 2814.25, 2814.26,  
2814.27, 2814.28, 2814.29, 2814.30,  
2814.31, 2814.32, 2814.33, 2814.34,  
2814.35, 2814.36, 2814.37

10/21/05 AMEND: 1062, 1063, 1064, 1065, 1066,  
1067, 1071, 1077, 3833.1 REPEAL: 793

10/13/05 ADOPT: 2200.6 AMEND: 2200

10/12/05 ADOPT: 3005

10/04/05 AMEND: 2908

10/03/05 AMEND: 3900

09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms  
CIWMB 173 (4/04), 180(3/04) AMEND:  
18449, 18450, 18451, 18456, 18459,  
18459.2.1, 18459.3, 18461, 18462

09/08/05 ADOPT: 3966

**Title 25**

12/19/05 ADOPT: 11101, 13302 AMEND: 19200,  
19201, 19202, 19203, 19204, 19205,  
19206, 19207, 19300, 19301, 19400

12/07/05 AMEND: 1338.1 REPEAL: 1433.1

11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348

09/27/05 ADOPT: 8430, 8431, 8432, 8433, 8434

**Title 27**

01/13/06 ADOPT: 15241, 15242

11/17/05 AMEND: 21685

09/29/05 ADOPT: 20070, 21569, 21835

09/26/05 ADOPT: 15241, 15242

**Title 28**

12/14/05 AMEND: 1300.75.4

**Title MPP**

01/23/06 AMEND: 42-101

01/12/06 AMEND: 11-400, 11-402, 11-403, and  
11-406

09/20/05 REPEAL: 11-405.22

